IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1221 (SS) of 2006

1. Shiv Narayan Uppadhyay, S/o late Sri Molhar Singh posted as Stenographer, Powerhouse Design Circle, 2, IDO, Roorkee, District – Haridwar.
2. Dinesh Kumar, S/o Ramesh Chandra Shandilya posted as Stenographer, material testing Circle IRI, Roorkee, District – Haridwar.
3. Mangaleshwar Datt Tyagi, S/o late Sri Bhagwan Dass Tyagi, posted as Stenographer, Powerhouse Design, Circle 1 IDO, Roorkee, District – Haridwar.
4. Varaun Kumar, S/o late Sri Parmatma Sharan posted as Basic Research Circle, IRI, Roorkee, District – Haridwar.

…….Petitioners.

Versus

1. State Advisory Committee, Lodhi Road, New Delhi through its Chairman.
2. State of Uttarakhand through Principal Secretary, Irrigation Department, Dehradun.
3. State of U.P. through Principal Secretary, Irrigation Department, Lucknow.
4. Chief Engineer & Head of the Department, Irrigation Department, Uttarakhand, Dehradun.
5. Chief Engineer (Desgin) and Director, Irrigation Research Institute, Roorkee.
6. Union of India through its Secretary, Ministry of Personnel Public Grievance and Pension, New Delhi.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Nagesh Agarwal, learned counsel for the petitioners and learned standing counsel for the State of Uttarakhand, State of U.P. and Union of India.

By means of this writ petition, the petitioners have prayed for the following reliefs:

i. *issue a writ, order or direction , in the nature of Mandamus commanding the respondents to allocate the petitioners finally to the State of Uttarakhand.*

ii. *issue a writ, order or direction, in the nature of Mandamus commanding not to relieve the petitioners pursuant to the final allocation list dated 11.05.2006 (contained in Annexure No. 9)*

iii. *Issue any other writ, order or direction which the Hon'ble Court may deem fit and proper in the circumstances of the present case.*

iv. *Award costs of the petition to the petitioners..*

Learned counsel for the petitioners has submitted that there are four petitioners. Petitioner no. 1 is permanent resident of District- Saharanpur and is going to be retired in the month of January 2008. Petitioner nos. 3 and 4 are permanent residents of District – Muzaffarnagar, however, domicile certificates of their children for State of Uttarakhand have been issued by the Competent Authority. Petitioner no. 2 is permanent resident of State of Uttarakhand.

Petitioner are working as Stenographer in the Irrigation Department of State of Uttarakhand and they have been finally allocated to State of U.P. vide Final Allocation List dated 11.05.2006 issued by the Union of India. Petitioners have not challenged the Finally Allocation List and have prayed that they may not be

relieved for State of U.P. in Pursuance to the Final Allocation List dated 11.05.2006.

Until and unless Final Allocation List is quashed, no relief can be granted to the petitioners by the Court. I do not find any ground to direct the respondents not to relieve the petitioners for State of U.P. at this stage.

Writ petition lacks of merit, as such, is dismissed. All the pending applications are rejected accordingly. However, petitioners may challenge the Final Allocation List by way of filing fresh writ petition, if they choose so.

(M.M. Ghildiyal, J.)

June 26, 2007
SKSharma